

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JARED J BAILEY,

Petitioner,

v.

THURSTON COUNTY, *et al.*,

Respondent.

CASE NO. 3:22-cv-05972-RAJ-JRC

ORDER TO SHOW CAUSE

This matter is before the Court on referral from the District Court and on petitioner's response to this Court's order to show cause. *See* Dkt. 5.

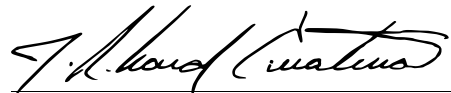
On January 20, 2023, after screening petitioner's 28 U.S.C. § 2254 petition, the Court issued an order to show cause. *See* Dkt. 4. The Court identified two deficiencies in the petition. First, the Court noted that petitioner did not appear to be "in custody" for purposes of habeas corpus relief. *See* Dkt. 4 at 2. Second, the Court explained that petitioner did not name the proper respondents. *See id.*

1 On February 14, 2023, petitioner filed a response to the Court's order. *See* Dkt. 5.
2 Petitioner claims that on December 9, 2022, he was "[o]rdered into the [c]ustody of Thurston
3 County Probation Services by Thurston County Superior Court." Dkt. 5 at 1. Thus, he asserts
4 that he is in the custody of Thurston County. *See generally id.*

5 Although a petitioner may seek habeas relief when he is subject to probation, the proper
6 respondent is his probation officer and the official in charge of the probation agency or the state
7 correctional agency. *See Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996). Further, it
8 remains unclear whether petitioner is challenging a conviction. He previously claimed there was
9 no conviction and now claims he is on probation. *Compare* Dkt. 1 *with* Dkt. 5. If there is no
10 conviction, the Court may need to abstain from considering the petition. *See Brown v. Ahern*,
11 676 F.3d 899, 901 (9th Cir. 2012).

12 Out of an abundance of caution, the Court will give petitioner an opportunity to file an
13 amended petition that is free of the deficiencies described above. Specifically, petitioner must (1)
14 name the proper respondent(s), (2) provide the relevant information regarding the state court
15 proceedings he is challenging, (3) and use the Court-provided form for filing a habeas petition.
16 Petitioner shall refrain from including copies of statutes or other irrelevant information in his
17 petition. Petitioner must file the amended petition by **April 14th, 2023**. The Clerk is directed to
18 send petitioner a copy of this District's form for § 2254 actions together with this order.

19
20 Dated this 14th day of March, 2023.

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23 J. Richard Creatura
24 United States Magistrate Judge